

Application Serial No. 09/960,482  
Response Date: September 1, 2004

### REMARKS/ARGUMENTS

Pending claims 1-5, 7-16, and 18-21 were rejected under 35 U.S.C. § 103 as being unpatentable over McGrath (U.S. Patent Application Publication No. US2001/0031124 A1) in view of Kobayashi et al. (JP 61-223809), Vidacovich et al. (U.S. Patent No. 5,402,515), the knowledge of one of ordinary skill, and allegedly obvious modifications to the art.

The present invention is directed toward terminals and racks with an improved fiber handling tracks including three general elements and the improved tracks themselves. The obviousness rejection of the claimed invention involves 3 different patent publications, an opinion on the knowledge of one of ordinary skill, and a conclusion that while certain limitations are not disclosed in any of the prior art references or in the knowledge of one of ordinary skill, those limitation would be obvious to one of ordinary skill.

Given the nature and scope of this invention, it is not at all obvious that one of ordinary skill would draw upon ordinary knowledge, combined it with the teachings of three prior art references, identify a missing feature as obvious in view of the combination of those reference without the assistance of any teachings of the feature, and end up with the claimed invention. The need for such a prior art combination is an indication of the novelty and non-obviousness of the present invention.

The Action provide no recitation of the motivation to combine all of these various references with the McGrath to render the claims obvious, with the exception of the motivation to reduce fiber bend attenuation with respect to claims 3, 5, 14, and 16. The lack of a motivation to combine, particularly for missing feature that were deemed obvious, is a strong indicator that the invention is patentable over the prior art.

For example, although McGrath admittedly does not disclose the claimed circuit card limitation (page 3), the Action sets forth on page 4, line 1-3 that "it is well known in the art to have the patch panel 64 include circuit card or be replaced by circuit cards". This statement is not supported by prior art references or the knowledge of one of ordinary skill. A patch panel generally is used as a place to interconnect one or more optical and/or electrical cables and is not an alternative to a circuit card. Hence, this aspect of the rejection is improper and should be withdrawn.

As a further example, the primary reference McGrath admittedly fails to teach the bell flare. It is suggested that Kobayashi teaches the bell flare, although there is no motivation to combine the references. Furthermore, Kobayashi admittedly fails to teach the use of the bell flare to divert the

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optical fiber from a second to a third direction perpendicular to the second direction. In fact, Kobayashi admittedly teaches that the fiber exits the bell flare in the same direction, not diverted by the bell flare at all. Hence, there is no teaching for one of ordinary skill that the bell flare can be used to divert the fiber in the claimed manner and no motivation to make that change as that was not the purpose of the bell flare in Kobayashi in the first instance. Since there is no disclosure, teaching, or suggestion of this limitation, the finding that this limitation is obvious and can be combined with Kobayashi and McGrath is improper and should be withdrawn.

Admittedly, the art, individually and/or collectively, fails to disclose all of the claim limitations. Also, there does not appear to be any teachings that would render missing limitation obvious or provide one of ordinary skill a motivation to combine the many sources of prior art cited in the rejection.

As such, Applicants respectfully request that the present rejections be withdrawn and the claims 1-5, 7-16, and 18-21 be passed to allowance. Furthermore, Applicants request that withdrawn claims 22-26 and 28-31, which have been amended in the prior response to be consistent with the pending claim also be passed to allowance.

If the Examiner has any questions pertaining to this Amendment or to the subject application in general, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,



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